IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21991 of 2004

Between:

Smt. Medasani Ramani, W/o. Keshava Rao,
Srinivasapuram Village, Huzurnagar Mandal, Nalgonda district.

..... PETITIONER

AND

1 The District Collector, (Civil Supplies), Nalgonda District.
2 The Joint Collector, Nalgonda, Nalgonda District.
3 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
4 The Mandal Revenue Officer, Huzurnagar Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in not passing any orders on the stay petition filed by the petitioner in the revision seeking stay of all further proceedings of the 2nd respondent dt. 4-11-2004 in Case No. Cs 1/137/2003 as illegal, arbitrary, unjust, and to consequently direct the respondents herein to continue the petitioner as Fair Price Shop Dealer till the disposal of the revision pending before the 1st respondent.

Counsel for the Petitioner:MR.PALLENAGESWAR RAO

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The grievance of the petitioner is about the inaction on the part of the first respondent in passing interim orders in the revision filed by her.

The authorization of the petitioner was cancelled by the third respondent on the basis of certain allegations against her. Aggrieved thereby, the petitioner filed an appeal before the Joint Collector, Nalgonda, the second respondent. Through an order dated 04.11.2004, the second respondent dismissed the appeal. The petitioner preferred a revision before the first respondent together with an application for grant of stay.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of revision, which is provided for under the A.P. State Public Distribution System Control Order, 2001. The first respondent is conferred with the power to grant interim orders. Had it been a case where the petitioner did not have the benefit of any order of stay pending the appeal before the second respondent, this Court would have directed the revision itself to be disposed of. It is not in dispute that soon after the authorization was cancelled, the petitioner availed the remedy of appeal and during pendency of the same, the second respondent granted an order of stay enabling the petitioner to continue as a fair price shop dealer. The question as to whether the order of cancellation or the one confirming it suffers from any illegality or infirmity, needs to be considered by the first respondent while hearing the revision. However, if the petitioner is replaced at this stage, it may give rise to several complications.

Hence, the writ petition is disposed of directing that the petitioner shall be

entitled to continue as a fair price shop dealer till the disposal of the revision by the first respondent. The revision shall be disposed of within four weeks from today. No order as to costs.

30.11.2004

ksld

To

1 The District Collector, (Civil Supplies), Nalgonda District.
2 The Joint Collector, Nalgonda, Nalgonda District.
3 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
4 The Mandal Revenue Officer, Huzurnagar Mandal, Nalgonda District.

5 Two CCs. to the Government Pleader for Civil Supplies, High Court of

Andhra Pradesh, Hyderabad (OUT)

6 Two CD copies.